



*"Service with Excellence
and Integrity"*

Arkansas Department of Community Correction

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ADMINISTRATIVE DIRECTIVE: 07-17 TECHNICAL VIOLATOR PROGRAM

TO: DEPARTMENT OF COMMUNITY CORRECTION EMPLOYEES

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SUPERSEDES: AD 07-12

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APPROVED: Signature on File

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I. APPLICABILITY. This policy applies to Department of Community Correction (DCC) employees.

II. POLICY. The DCC will operate a prison alternative sanction for parole technical violators. The Omega Center (OC) at Malvern, Arkansas will house male technical violators and the Southeast Arkansas Community Correction Center at Pine Bluff will house female technical violators. The bed capacity of each program location will be as established by the Board of Corrections.

III. DEFINITIONS.

A. Sex Offender.

1. An Interstate Compact offender who has committed a crime that requires registration in the sending state or who has committed a crime that is comparable to crimes that require registration in Arkansas.
2. An offender who has been ordered by the court to register with ACIC as a sex offender, regardless of the crime for which the individual was convicted (Offenders can be convicted of a crime not listed in Ark. Code Ann. §12-12-903 (12) and still be ordered to register).
3. An offender who has been convicted of one of the following sex crimes (offenders guilty of these crimes are considered to be "sex offenders" even if they are not required by the court or by law to register as a sex offender):

“Sex Offense” as Defined in Arkansas Code Ann. (A.C.A.) §12-12-903 (12):

- a. rape A.C.A. §5-14-103;
- b. sexual indecency with a child A.C.A. §5-14-110,
- c. sexual assault in the first degree, A.C.A. §5-14-124 ;
- d. sexual assault in the second degree, A.C.A. §5-14-125
- e. sexual assault in the third degree, A.C.A. §5-14-126;
- f. sexual assault in the fourth degree, A.C.A. §5-14-127;
- g. incest, A.C.A. §5-26-202;
- h. engaging children in sexually explicit conduct for use in visual or print medium A.C.A. §5-27-303;
- i. transportation of minors for prohibited sexual conduct A.C.A. §5-27-305;
- j. employing or consenting to use of child in sexual performance A.C.A. §5-27-402;
- k. pandering or possessing visual or print medium depicting sexually explicit conduct involving a child; A.C.A. §5-27-304;
- l. producing, directing or promoting sexual performance by a child A.C.A. §5-27-403;
- m. promoting prostitution in the first degree A.C.A. §5-70-104;
- n. stalking when ordered by the sentencing court to register as a sex offender, A.C.A. §5-71-229;
- o. indecent exposure, A.C.A. §5-12-112, if a felony level offense;
- p. exposing another person to human immunodeficiency virus, when ordered by the sentencing court to register as a sex offender A.C.A. §5-14-123;
- q. kidnapping pursuant to A.C.A. §5-11-102(a) when the victim is a minor and the offender is not the parent of the victim;
- r. false imprisonment in the first degree and false imprisonment in the second degree pursuant to A.C.A. §5-11-103 and A.C.A. §5-11-104 when the victim is a minor and the offender is not the parent of the victim;
- s. permitting the abuse of a minor pursuant to A.C.A. §5-27-221;
- t. Computer child pornography, A.C.A. §5-27-603;
- u. Computer exploitation of a child in the first degree, A.C.A. §5-27-605(a);
- v. Permanent detention or restraint when the offender is not the parent of the victim, A.C.A. §5-11-106;
- w. Distributing, possessing, or viewing of matter depicting sexually explicit conduct involving a child, A.C.A. §5-27-602;
- x. Internet stalking of a child, A.C.A. §5-27-306;
- y. Crime of video voyeurism, A.C.A. §5-16-101, if a felony offense;
- z. Voyeurism, §5-16-102, if a felony level offense;
- aa. any felony homicide offense under A.C.A. §5-10-101, A.C.A. §5-10-102 or A.C.A. §5-10-104 if the underlying felony is an offense listed in paragraphs a through “w” above;
- bb. an attempt, solicitation, or conspiracy to commit any of the above offenses;
- cc. an adjudication of guilt for an offense of the law of another state, for a federal offense, for a tribal court offense, or for a military offense:
 - o which is similar to any of the above the offenses “a” through “aa” above or
 - o when adjudication of guilt requires registration under another state’s sex offender registration laws; or
 - o a violation of any former law of this state which is substantially equivalent to any of the offenses list above.

dd. the sentencing court has the authority to order the registration of any offender shown in court to have attempted to commit or to have committed a sex offense even though the offense is not enumerated above.

B. Technical Violator Center (TVC). A DCC residential center authorized to provide technical violator programs. For the purpose of this policy, TVC refers to the technical violator programs at both the Southeast Arkansas Community Correction Center and the Omega Center.

C. Technical Violator. A parolee who has committed a violation of his/her terms and conditions of supervision for reasons other than commission of a new crime.

IV. DESCRIPTION. The TVC is an intensive residential program followed by aftercare under community supervision. A resident completes the program by progressing through the following phases:

A. Intake. Intake is the initial three-day in-processing period.

B. Orientation. Five-day period for receiving institutional clothing, receiving information on the TVC program purpose and structure, expected behavior, rights and responsibilities, and assessing and identifying factors contributing to violations and developing strategies for compliance through treatment. This phase will include the counselor and may include the supervising Parole/Probation Officer (PPO).

C. Treatment. The four to four and one-half week period devoted to fulfilling the treatment plan requirements.

D. Program Length. First and second time admissions 60 days; third or more times admission 90 days at the Omega Center.

E. Pre-Release. The last three weeks of confinement including activities and classes focusing on transition and practical matters associated with relapse prevention, and increased PPO involvement.

V. TECHNICAL VIOLATOR PROGRAM ELIGIBILITY CRITERIA. An offender in a post prison (parole/release) status is eligible for the TVC as follows:

A. Committed a technical violation of the terms or conditions of release or supervision; and

B. Waived a violation hearing with agreement to participate in the TVC program or was referred by a Parole Board Hearing Examiner; and

C. Does not have any charges that would require appearance at a court proceeding during the confinement period; and

D. Has not waived to the TVC more than three times; and

E. Has at least 15 days left on his/her sentence.

VI. SCHEDULING AND TRANSPORTATION.

A. Parole/Probation Officers must process requests for technical violator program bed reservations through their Parole/Probation Managers or Assistant Managers following guidance in the Parole/Probation Services Manual.

B. The PPO will conduct an ACIC background check to confirm there are no new felony charges or, warrants or conflicting court dates that make the offender ineligible for the TVC, and

1. may transport or ensure transportation arrangements of the offender to the appropriate TVC on the scheduled day, and within the intake period.
2. ensure the following documents accompany the offender:
 - a. Copy of Violation Report
 - b. Copy of the Notice of Parole Violation Action
 - c. Disposition of Parole Revocation Hearing, Waiver of Parole Revocation Hearing, or Arkansas Parole Board warrant.

VII. INTAKE. The Deputy Director of Residential Services must ensure appropriate guidance for proper and expeditious in-processing and release of offenders, coordinating with field staff for transportation to the TVC Monday through Friday between 10:00 a.m. and 3:00 p.m. except on authorized holidays.

A. Personal Property. The Intake Officer will ensure that intake processing is conducted in accordance with existing policies and procedures concerning personal property (such as clothing, and money), receipts, photographs, intake processing, drug testing, grooming, eOMIS, etc.

B. Medical Intake.

1. Medical Records from prior incarceration will be retrieved by medical staff as determined to be medically necessary and updated.
2. The medical contractor will conduct medical exams according to established policy.
3. The TVC counselor will conduct a psychological/social assessment and obtain information from the eOMIS to initially assess the offender.

C. Privileges. During the intake phase, offenders will not be allowed visitation, exercise, commissary, and telephone privileges except when approved by the Center Supervisor or Senior Residential Supervision in emergency situations.

D. Housing, Contact, Movement During Intake at a Community Correction Center (CCC). In addition to the TVC, a CCC may conduct intake of and transport technical violators. When this is the case, the following measures must be maintained:

1. **Secure Movements.** Apply proper security measures to technical violators while outside their locked cell. Technical violator housing areas shall be staffed and secured at all times. Residents will clean their own housing areas and only one violator at a time will be allowed out of the cell for that purpose. Prohibit CCC resident contact with technical violators and access to hallways adjacent to their cells. Prohibit unattended violators from movement outside the designated living areas. They will be restrained with handcuffs, as deemed necessary, and as described in standard operating procedures. Security must be present during all violator movements outside the building.
2. **Showers.** The Center Supervisor must ensure offenders shower only when no non-TVC CCC residents are present.
3. **Meals.** Only kitchen or security staff will provide meals to the violators in the intake cells, including issuing and collecting food trays at each meal.
4. **Programming.** Programming, orientation counselor screening, medical screening, classroom activities, etc. shall be conducted separately from that of the CCCs.
5. **Transfer of Technical Violators.** The Deputy Director of Residential Services shall ensure appropriate procedures are established for transferring offenders from CCCs to the TVC, including provision for offender medical clearance prior to transfer and for replenishing uniforms and supplies.

VIII. GENERAL OPERATIONS.

A. Classification. Upon intake into the TVC, the intake staff will classify the offender as “inmate” class II, which remains until release. The eOMIS system will not award any “institution” meritorious good time credit to technical violator program residents.

B. Parole/Probation Involvement. The PPO is expected to maintain contact with the offender a minimum of one time during his/her stay, either through a personal visit or by telephone. The purpose of this contact is to demonstrate an interest in the offender’s progress, discuss aspects of his/her parole plan such as whether their planned residence will be available and what employment, educational, and/or after-care program they plan to pursue, and to encourage continued efforts toward positive life changes. When appropriate, PPO should contact the technical violator counselor to discuss after care needs so that it can begin soon after discharge.

- C. Count.** Technical violator counts will be conducted according to established standard operating procedure, and reported at 8:00 a.m. daily to the Deputy Director of Residential Services.
- D. Training.** Supervisors must ensure appropriate training is provided concerning the procedures for all aspects of the TVC operation.
- E. Furloughs.** Only emergency furloughs are allowed, and must be processed in accordance with established DCC policy, with the following exception: The only relations that may be considered as a violator's sponsor are the father or stepfather, mother or stepmother, spouse, grandparent, adult sister, adult brother, or adult child, or other person whose relationship with the offender has been verified as that of a guardian.
- F. Visitation.** Visitation procedures are as indicated in the visitation policy with the following exceptions:
 - 1. Only 5 persons at a time may be approved for visitation.
 - 2. Visitation may occur only in the last two weeks of the offender's stay.
 - 3. Visits by attorneys, spiritual leaders and others are guided by the visitation policy.

IX. TREATMENT.

- A. Treatment.** The TVC provides a structured environment in which offenders have the opportunity to analyze their non-compliant behavior. It offers intensive, highly structured in-patient treatment. The curriculum focuses on identifying criminal thinking patterns, substance abuse education, relapse prevention, and giving the offender the necessary tools for correcting the behavior which led to violating the conditions of supervision and this incarceration. Groups and classes will be approximately one hour. Classes will rely heavily on brief instruction, videos, and interaction between offender and instructor/facilitator, fostering a format conducive to learning and change.
- B. Track Assignment.** A track is the course of treatment the offender is expected to follow based on his/her history and assessed strengths and needs. Tracks are identified when, in the judgment of the Treatment Coordinator, a sufficient number of offenders can benefit from a particular course of treatment. A new track must be approved by the Residential Services Treatment Administrator and/or the Center Supervisor before implementation.
- C. Plan.** The Treatment Plan is a document that details the offender's treatment goals and objectives in measurable terms. For details refer to the Clinical File Manual.
- D. Counseling Sessions.** Counselors may ask family members to attend counseling or training sessions without requiring an approved visitation application. However, a background check will be conducted and provided to the Center Supervisor for approval. Regular security screening and escort procedures will apply for counseling

sessions. Counselors must inform security of scheduled sessions and remind family members who attend counseling sessions of the approval requirement before visiting.

- E. Aftercare Planning.** Counselors must work with the offender, PPO, and appropriate others to develop an aftercare plan and facilitate a smooth transition back into the community and to ensure continuity in treatment efforts.

X. RELEASES.

A. General.

1. Some aspects of release are addressed in this and other policies such as the Resident Conduct and Transfer Eligibility policies.
2. If an offender is released from the TVC for any reason other than a routine release, the Parole Board must be notified.
3. Parole/Probation Officers may transport released offenders as scheduled. The Center Supervisor may also allow family members and friends to pick the offender up on the release day. The offender's After Care Plan and any related materials such as resume and other employment information should be provided to the supervising PPO, for each offender returning to parole status.

- B. Requirements for Sex Offenders.** Within 15 work days of a scheduled sex offender release or discharge, the Records Supervisor must determine whether the sex offender is planning to reside at the address where he/she is registered. If not, the Records Supervisor should coordinate with the Parole/Probation Officer the submission of an updated address registration form to the registry. Upon receipt of a registration form, forward the form to the supervising Parole/Probation Officer. (Ark. Code Ann. § 12-12-906(b)(2) and § 12-12-906 (c)(1)(A)(ii))

If the supervising Parole/Probation Officer receives a notification of a change of address, he/she must promptly forward it to the local law enforcement agency having jurisdiction.

- C. Discharge Summary and After Care Plan.** The Discharge Summary (developed by the TVC counselor), must outline the offender's program progress. The After-Care Plan must detail the activities and services to be continued or otherwise performed following completion of the TVC. Formal parole plan verification is not required for offenders being discharged from a TVC; however, before transporting the offender to the TVC, the PPO should establish and confirm the residence at which the offender plans to live after discharge. Planning for after-care should begin at intake and be coordinated with the PPO to ensure the after-care plan is compatible with any ongoing conditions of supervision and available resources.

XI. CONDUCT AND DISCIPLINE

- A. Basic Technical Violator Rights.** The rights of TVC residents are listed in the TVC Resident Handbook.
- B. Rules of Conduct.** The cardinal and major rules of conduct addressed in the Resident Conduct Administrative Directive also apply to residents of a technical violator program. House Rules are specific to the TVC and are found in the TVC Resident Handbook. CCC processes for imposing consequences/sanctions for rule infractions also apply to a TVC with the following exceptions:
 - 1. House infractions will be handled by the TVC staff.
 - 2. Major infractions will be addressed by staff. Sanctions will be, when possible, a logical consequence of and designed to correct the negative behavior.
 - 3. Infractions that could result in being sent to Arkansas Department of Correction (ADC) will be heard by a Disciplinary Hearing Committee (DHC) comprised of the members as prescribed by the Resident Conduct policy. Hearings will be conducted as outlined in the Disciplinary Hearing Guide, an attachment to the Resident Conduct policy.
 - 4. Disciplinary problems can result in placement in revocation status and/or immediate transfer to ADC.
- C. Negative Report.** TVC staff may respond to negative behavior by sending a report to the offender's Parole/Probation Manager with a copy to the PPO. Before such a report is sent, the case must be reviewed by a panel of the counselor and at least two senior treatment employees, usually the clinical supervisor or treatment coordinator. The senior clinical staff will oversee the case review and collectively make a determination as to the merits of the action. The form for this report can be found in the Clinical File Manual.

- XII. eOMIS DATA, OUTCOME MEASURES, SPECIAL REPORTS.** All employees involved with the TVC must ensure correct and timely entries are made in eOMIS. eOMIS entries trigger certain actions and provide valuable management data. The Center Supervisor must ensure outcome measures are developed, and necessary data are collected, analyzed, and disseminated in a manner prescribed by the Director.